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General Assembly

FIFTY-FIRST SESSION

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THIRD COMMITTEE
37th meeting
held on
Thursday, 14 November 1996
at 10 a.m.
New York

SUMMARY RECORD OF THE 37TH MEETING

Chairman: Mr. KHAN (Pakistan)
(Vice Chairman)

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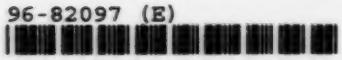

In the absence of Mrs. Espinosa (Mexico), Mr. Khan (Pakistan), Vice Chairman, took the Chair.

The meeting was called to order at 10.10 a.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (A/51/3)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/51/40, A/51/44, A/51/415, A/51/422, A/51/426, A/51/465 and A/51/482)

1. Mr. PELL (United States of America) said that, under the United States Constitution, a treaty could be ratified and enter into force only after the Senate had given its advice and consent. The Senate had given its advice and consent to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination.

2. Those instruments and the other international instruments concerning human rights were basic building blocks in the efforts to build a world based on three principles which were deeply engrained in the fabric of world history, namely respect for human rights, democracy and the rule of law. The World Conference on Human Rights had recommended that a concerted effort be made to facilitate ratification of those instruments within the framework of the United Nations system.

3. After considering the issue for 40 years, the United States had ratified the Convention on the Prevention and Punishment of the Crime of Genocide in 1988. In 1994, it had deposited its instrument of ratification for the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and it intended to make a sizeable contribution to the United Nations Voluntary Fund for Victims of Torture.

4. In 1992, the United States had ratified the International Covenant on Civil and Political Rights. The Covenant, which was considered by many to be the single most important human rights instrument, codified the essential freedoms which people must enjoy in an effective democratic society, such as the right to vote and to participate in government, to freedom of peaceful assembly, to equal protection of the law, the right to liberty and security and to freedom of opinion and expression. The United States had submitted its initial report to the Human Rights Committee in 1995.

5. The United States had also ratified the International Convention on the Elimination of All Forms of Racial Discrimination; the latter should be a very valuable tool as the international community responded to humanitarian and human rights crises born of racial and ethnic animosities. In that regard, the United States was pleased that the Commission on Human Rights had reaffirmed that anti-semitism was, indeed, a form of racism; it would be submitting its initial report on the implementation of that Convention in the near future.

6. The United States Government had placed as a top priority pursuing the ratification of the Convention on the Elimination of All Forms of Discrimination against Women. The Senate Foreign Relations Committee had reported favourably on the Convention in 1994, but the text of the Convention had yet to be considered by the full Senate.

7. Simply ratifying conventions and creating treaty bodies would not resolve ethnic and racial tensions, put an end to repressive Governments or reform political systems. The international community must rise to the challenge of making a reality of the standards which it had agreed to so that those standards could influence peoples' lives. The United States therefore asked the United Nations High Commissioner for Human Rights to continue to provide strong support for the human rights machinery and to support the human rights treaty bodies. There was also a need to avoid proliferation of human rights instruments and to improve coordination among the treaty bodies. He also noted with appreciation the information provided by the Chairmen of the treaty bodies concerning the increasing interaction between the treaty bodies and non-governmental organizations.

8. Mr. SHAHI (Nepal) recalled that the Charter of the United Nations sought to save humanity from war, which was the greatest and most flagrant violation of human rights. It was a reaffirmation of faith of the peoples of the United Nations in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small. The other major goal of the United Nations was to promote social progress and better standards of life in larger freedom, without which there could be no respect for human rights. The Universal Declaration of Human Rights proclaimed that all human beings were born free and equal in dignity and were endowed with reason and conscience.

9. Since the signing of the Charter and the adoption of the Declaration, the international community had been unable, despite the resolutions, protocols, covenants and conventions it had adopted, to prevent human rights from being denied and violated in many parts of the world. The Vienna Declaration and Programme of Action, adopted at the end of the World Conference on Human Rights in 1993, were the latest and most comprehensive expression of the commitment of Member States of the United Nations to the protection, preservation and promotion of all human rights. Nepal was firmly committed to those instruments and would like to see them implemented all over the world given that human rights were universal, indivisible and interdependent.

10. The United Nations treaty bodies which were responsible for monitoring implementation of the major international human rights instruments were integral parts of the human rights machinery. They provided forums for discussion and constructive dialogue among the parties concerned. The proposals submitted by those bodies, by the meetings of chairpersons of those bodies and by the special rapporteurs, experts and chairpersons of working groups merited careful consideration by Member States. His delegation endorsed the view that adequate material, human and financial resources should be provided to the Office of the High Commissioner for Human Rights and the Centre for Human Rights so that they could effectively carry out their work.

11. Nepal attached great importance to the links which existed between development, democracy and political, economic, civil, cultural and social rights and the right to development as recognized by the Vienna Conference. For that reason it had ratified or acceded to all major human rights instruments and was taking legislative measures to give effect to those instruments.

12. Ms. TUHOVČÁKOVÁ (Slovakia) said that the progress which countries made on the path of democracy should be measured against the yardstick of the respect which was shown for human rights in their society. While the international community was giving considerable attention to the promotion and protection of human rights, and while the international and regional human rights mechanisms had therefore gained in effectiveness, it nevertheless had to be recognized that much more needed to be done to check the wave of reported and noted violations, especially in view of the geopolitical instability, regional and ethnic conflicts and recent social turmoil.

13. Accordingly, the universal ratification of the major international human rights instruments and the monitoring by the United Nations of their effective implementation by States were of particular importance. States Parties to those instruments were therefore urged to review and, where appropriate, to withdraw their reservations regarding some of the provisions, just as Slovakia had withdrawn its reservation to article 20 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and had recognized the competence of the Committee against Torture under articles 21 and 22 of that Convention. Slovakia favoured increasing the membership of United Nations human rights bodies and considered that the representation of Central Europe and Eastern Europe should be strengthened on the basis of equitable geographical distribution.

14. As a successor State to the former Czechoslovakia as well as a keen defender of human rights, Slovakia had taken on all the commitments of Czechoslovakia under international human rights instruments in order to increase stability in the Central and Eastern European region to which it belonged. With the assistance of the United Nations, the Government had established a national human rights centre to ensure the promotion and protection of human rights in Slovakia by gathering information on the status of those rights and sensitizing Slovak public opinion in that area. Slovakia had made of human rights one of the priorities of its foreign policy and had adopted legislation and constitutional provisions to further their promotion and protection.

15. Ms. MACHNYIKOVÁ (Czech Republic) said that progress in the universal ratification and implementation of human rights instruments remained slow despite the commitments assumed by Member States at the World Conference on Human Rights. Neither national and regional particularities nor historical, cultural and religious backgrounds should be invoked to undermine the universal character of those instruments. States which formulated reservations should therefore consider withdrawing them or limiting their scope, as the Czech Republic had recently done by recognizing the competence of the Committee against Torture.

16. The United Nations should strengthen the monitoring functions of its treaty bodies to enable them to gather facts in individual countries. The innovative

approach to a control mechanism in the Convention on the Elimination of All Forms of Discrimination against Women and in the Convention on the Rights of the Child was very promising. Coordination and cooperation between monitoring bodies should be improved and their recommendations and conclusions should be followed up.

17. Ms. HERTZ (Chile) said that the full implementation of international human rights instruments was the essential complement to the progressive development of international law and its codification in the field of human rights. While the universal acceptance of those instruments was therefore not only desirable but also a priority goal, it would be wrong to overlook the most important aim, namely, standard-setting. Chile was in favour of setting elevated standards for the promotion and protection of human rights since only such standards would make the universal acceptance of human rights instruments fully meaningful. Her delegation hoped that the various working groups of the Commission on Human Rights which had been asked to prepare new instruments, such as the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, would treat that consideration as more important than any other, and it undertook to continue to support them in that respect.

18. It was essential to monitor the efficacy of the international human rights norms that were the basis of the work of the treaty bodies and the efficacy of the special procedures and thematic machinery which played an irreplaceable role in the effective promotion and protection of human rights. Her delegation was concerned about the attempt by some countries to undermine the work of the entities concerned by questioning their legitimacy. It was also perturbed by the fact that those countries increasingly gave precedence to their internal law over international law in human rights matters. It saw danger in that practice, which could serve to justify human rights violations, and it therefore urged all States to embody in their domestic legislation the norms laid down by international human rights instruments and thus to give precedence to those instruments.

19. Her delegation had no objection to strengthening the machinery and procedures for monitoring the implementation of the above-mentioned instruments. It considered that the question of whether or not to merge the reports of the thematic mechanisms required considerable reflection since it would be counter-productive to allow efforts for the rationalization and optimum use of resources to weaken the system for monitoring the implementation of human rights instruments. Her delegation would like the thematic mechanisms to give particular attention to the difficult and dangerous situation of all who upheld human rights, in order to see more clearly the conditions in which they did their work and to assist them. It was a pity that after 10 years of trying the United Nations had not yet adopted a declaration embodying, recognizing and protecting their rights.

20. Her delegation was wholeheartedly in favour of restructuring the Centre for Human Rights and urged the High Commissioner for Human Rights to continue the work he had embarked on. It had every confidence that, once the restructuring was finished, the Centre would be in a better position to discharge its responsibilities and would be able to give the necessary attention to all categories of human rights, especially the right to development, which, given

the interdependence of democracy and development, should be at the centre of all work to protect human rights.

21. Mr. WANG MIN (China) said that, since acceding to human rights instruments meant that the States Parties were obliged to implement their provisions, it was normal that States, before acceding to a particular instrument, needed to study it carefully in relation to their national law. Some developing countries because of a low socio-economic level of development might have difficulty in acceding to certain human rights instruments. Whether or not to accede to an instrument or to make reservations regarding its provisions was a sovereign decision to be taken by the State concerned in the light of its situation. Some countries exerted political pressure on developing countries to force them to accede to human rights instruments or withdraw their reservations, a practice which could only undermine the authority of the instruments in question.

22. Such problems as the increasing backlog owing to the delayed submission and consideration of the reports of States Parties had seriously affected the operation of human rights treaty bodies. Rather than to advocate increased resources, it was necessary to rationalize the work of the treaty bodies and enhance their efficiency by, inter alia, strengthening coordination between them and the non-conventional human rights mechanisms of the United Nations, studying the feasibility of a consolidated report by States Parties on the implementation of their obligations under relevant conventions, and providing developing countries with special assistance in drafting elaborate reports.

23. Although the treaty bodies played an important role in the implementation of the conventions, that implementation also depended on the adoption of administrative and legal measures by States Parties. Treaty bodies should therefore fulfil their responsibilities impartially and objectively.

24. China had adopted a host of laws protecting human rights and was willing to strengthen international cooperation in that field on the basis of equality and mutual respect. Although China was a developing country with a large population and vast territories and thus needed more resources, it nevertheless strictly abided by its obligations under the conventions and submitted its reports on time.

25. Concerning the relationship between Hong Kong and the International Covenant on Civil and Political Rights, according to the relevant provisions of the Sino-British Joint Declaration and the Basic Law of the Hong Kong Special Administrative Region, the relevant provisions of the two United Nations human rights covenants would continue to be implemented in Hong Kong after 1997.

26. Ms. TOMIĆ (Slovenia) said that her country, which had acceded to the six principal international human rights instruments concluded under United Nations auspices and had brought its national law into line with the norms established in those instruments, attached great importance to the question under consideration. Her delegation was pleased to note the constant increase in the number of States acceding to those instruments and urged States which had not yet done so to follow their example, so that the goal of universal ratification set forth in the Vienna Programme of Action (part I, para. 26) could be attained. States should fulfil all their obligations as signatories to human

rights instruments and hence avoid formulating reservations; if they did resort to reservations, States should ensure that they were consistent with the scope and intent of the instruments and formulate them as precisely and narrowly as possible. Her delegation urged States to accede in greater numbers to the provisions and instruments providing for individual complaint procedures.

27. Becoming a signatory to a human rights instrument entailed not only accepting all the ensuing obligations but also reporting on its implementation to the relevant treaty body in a regular and timely manner. States whose reports were overdue should make greater use of the advisory services and technical assistance programme of the Centre for Human Rights.

28. She welcomed the continuing efforts of the treaty bodies to rationalize and otherwise improve reporting procedures, but considered it necessary to examine ways of meaningfully reducing the number of reports to be presented to those bodies, for that would reduce the burden of States Parties. She likewise considered that the conclusions reached by the chairpersons of the human rights treaty bodies at their seventh meeting (A/51/482) were interesting, but that other possibilities should be explored for coordinating the guidelines for preparing State reports under those instruments, as requested in the Vienna Programme of Action (part II, para. 87).

29. She fully realized the enormous burden of work facing the treaty bodies. In order to lighten that burden, those bodies should be given the financial, human and information resources they needed. She welcomed the initial results of the restructuring of the Centre for Human Rights, in particular the regrouping in a single management unit of all services supporting the treaty bodies, and hoped that the restructuring of the Centre would enable the latter to continue supporting the secretariat of the five treaty bodies based in Geneva and providing the necessary servicing. On the practical level, she welcomed the establishment of the information retrieval and database system, which would facilitate compliance by States Parties with their reporting obligations and increase the efficiency of the treaty bodies. She hoped that the system would soon become operational and would be accessible to all the treaty bodies.

30. Her delegation supported the ongoing efforts by various treaty bodies to improve their methods of work. One excellent means of attaining that end would be the combined consideration of as yet unconsidered State party reports. The practice of producing general observations on the report submitted by States parties was useful, especially when the observations contained recommendations on ways of incorporating the provisions of an international instrument in national legislation and implementing them. The observations should be as precise and practical as possible so that States Parties could derive maximum benefits from them.

31. Lastly, she supported the various measures the treaty bodies had taken with a view to carrying out their work more efficiently. However, she considered that, as proposed in paragraph 26 of the aforementioned report A/51/482, it would be useful to package the various procedural amendments to the human rights treaties in a single document so that States Parties would have the option of invoking their constitutional amendment procedures only once.

32. Mr. de SILVA (Sri Lanka) said that the effective implementation of human rights instruments and the existence of efficient and comprehensive monitoring machinery played a much larger role in the promotion and protection of human rights than high-minded rhetoric or trenchant criticism. Over the years, his country had taken constitutional and legislative measures to recognize those rights, ensure they were respected and provide remedial relief where violations were established. Recently, after long consultations with the opposition parties and in the light of the observations of non-governmental organizations and the advice of the United Nations High Commissioner for Human Rights, his Government had adopted a new law establishing a commission for the defence of human rights in which the various parties and the various sectors of society, including minorities, would be represented. The Commission would monitor executive and administrative practices, investigate complaints about infringements of fundamental rights, mediate between victims and perpetrators of violations with a view to resolving complaints, advise on the formulation of legislation and administrative directives to be adopted by the State in accordance with international human rights instruments, and promote awareness of fundamental rights. In order to ensure the independence and integrity of the commission, its five members, chosen from among persons with special knowledge of human rights matters, would be appointed by the President on the recommendation of the Constitutional Council, in consultation with Parliament, and could not be removed from their duties except for serious wrongdoing or condemnation by a judicial body, in particular for an offence involving moral turpitude. Both individual actions and class actions could be brought before the commission, or before the subcommittees representing it at the provincial level, concerning human rights violations committed by the State or non-State actors, notably in the case of acts of terrorism. Lastly, sums of money might, where necessary, be awarded to people bringing cases before the commission, in order to encourage the population to have recourse to it in the event of human rights violations.

The meeting rose at 11.10 a.m.

UNITED NATIONS

General Assembly

FIFTY-FIRST SESSION

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THIRD COMMITTEE
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held on
Thursday, 14 November 1996
at 3 p.m.
New York

SUMMARY RECORD OF THE 38th MEETING

Chairman: Mrs. ESPINOSA (Mexico)

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(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

AGENDA ITEM 105: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued)

AGENDA ITEM 108: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)

AGENDA ITEM 109: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

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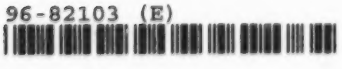

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (A/51/3 (Parts I and II)), A/51/81, 87, 90, 114, A/51/208-S/1996/543, A/51/210, A/51/462-S/1996/831; A/C.3/51/9)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/51/153, 170, 201, 290, 395, 453 and Add.1, 457, 480, 506, 536, 539, 542 and Add.1 and 2, 552, 555, 558, 561, 641, 650; A/C.3/51/6)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/51/80-S/1996/194, A/51/189, A/51/203-E/1996/86, A/51/204, 271, 347, 459, 460, 466, 478, 479, 481, 483 and Add.1, 490, 496, 507, A/51/532-S/1996/864, A/51/538, 556, 557, 651, 657; A/C.3/51/3, 8 and 10-13)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (A/51/36)

1. Mr. AYALA-LASSO (United Nations High Commissioner for Human Rights) said that the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action should increasingly serve as a practical guide for the lives of individuals and communities. Concrete results could be achieved in that area if it was kept constantly in mind that human rights were an integral part of, and essential to, peace and development.

2. Governments, United Nations agencies, regional forums, national institutions, academic institutes, non-governmental organizations and individuals must cooperate closely in order to contribute their expertise to the promotion and protection of human rights. Within that context, he had given priority to establishing an ongoing dialogue at various levels with the Governments of Member States. Cooperation with the United Nations agencies was also necessary, in order to ensure an integrated, coherent approach to the issue of human rights within the United Nations system. Positive steps had been taken in that direction and the agencies were agreed on the need to strengthen such measures in the future. It was very positive that a variety of United Nations agencies and programmes were working to strengthen human rights programmes and activities within their respective mandates.

3. It was important to make people aware of their rights and, to that end, his Office had stepped up its efforts to reach individuals and social groups through the established human rights machinery, including the Centre's technical assistance programmes and advisory services.

4. Since 1994, significant progress had been made in promoting the objectives agreed upon in Vienna in such areas as the ratification of international instruments, the strengthening of national institutions and the expansion of

technical assistance programmes, as well as the establishment of field missions for the protection of human rights. It was essential to continue to develop and refine mechanisms for responding to human rights violations and to devise ways of preventing such violations. Training, assistance to national programmes and human rights monitoring were part of a preventive strategy closely linked to peace and development. The United Nations Decade for Human Rights Education, which sought to promote local activities and initiatives in the area of human rights education, was also an essential part of that preventive system. The Decade's Plan of Action must be carried out through a joint effort by Governments, international organizations, non-governmental organizations, professional associations and civil society. Adequate human and financial resources must be mobilized in order to ensure success in that regard.

5. The activities of the mechanisms established under international human rights instruments had expanded considerably over the past year, thanks to the increase in the number of ratifications. States which had not yet done so should ratify those instruments, pursuant to the commitments made in the Vienna Declaration and Programme of Action. The report of the seventh meeting of persons chairing the human rights treaty bodies (A/51/482) set forth a series of recommendations for strengthening those bodies' capacity for action, particularly in the context of international meetings on human rights.

6. The special rapporteurs, representatives, experts and working groups of the Commission on Human Rights had become one of the cornerstones of the international system for the promotion and protection of human rights. Most of the reports to the General Assembly by thematic or country rapporteurs referred to cases of serious human rights violations and set forth recommendations for overcoming obstacles to the full enjoyment of those rights. In 1996, special rapporteurs had undertaken more than 25 missions to study and investigate incidents and situations. Coordination among the various special rapporteurs, representatives, experts and working groups had increased as a result of the rationalization of the human rights programme. Joint missions had been conducted and joint appeals had been made to Governments to provide greater assistance to the victims of human rights violations.

7. Commission on Human Rights resolution 1996/15 entitled "The right to development", the efforts of the Working Group on the Right to Development and the establishment of a new intergovernmental group of experts to elaborate on a strategy for the implementation and promotion of the right to development were clear signs of progress in securing recognition of the importance of that right. Enhancing the ability of individuals to participate fully in development was a way to promote democracy and, at the same time, create better living conditions. His Office had taken steps to establish cooperation with the international financial institutions and development agencies in order to identify the best way of carrying out their respective missions. Contacts had been made with the World Bank and regional economic commissions in order to identify practical methods for strengthening economic and human rights programmes. Such contacts had been very positive and had confirmed that it was possible to implement the right to development through coordinated projects.

8. With regard to the restructuring of the Office of the High Commissioner and the Centre for Human Rights, a new structure had been put in place on 30 September 1996 with the objective of enhancing the capacity of the United

Nations human rights programme to carry out the mandates entrusted to it and meet its future responsibilities. The restructuring had been aimed basically at guaranteeing the quality of information and analysis provided to United Nations human rights machinery and policy development, the efficiency of support provided to the United Nations human rights bodies and organs and the effectiveness of actions taken to promote and protect human rights. The new structure reflected all the priorities and mandates of the human rights programme and emphasized certain new concepts such as team work, a results-oriented approach, timeliness and quality of activities, delegation of responsibilities and accountability. It comprised three new branches: the Research and Right to Development Branch, the Support Services Branch and the Activities and Programmes Branch. It was administered under the authority of the High Commissioner by a steering committee made up of the Assistant Secretary-General for Human Rights, the interim chiefs of the three branches and the chief of the Administrative Unit.

9. Transitional arrangements had been made to ensure that work continued without interruption and more efficiently. The staff had been divided into 21 "work packages", with clear responsibilities during the transition period. The restructuring did not seek to change the status of staff or their legitimate career development expectations. The new system would be an open, fair and transparent one that would recognize and encourage efficiency, competence and integrity, in strict accordance with Article 101 of the Charter of the United Nations.

10. The celebration of the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 should provide the opportunity to reflect on the experience gained and reaffirm the commitment to building a human rights culture for the new century. The progress made in focusing efforts on the promotion and protection of human rights and in viewing peace, development and human rights as inseparable was a contribution in which the current generation should take pride. The Office of the High Commissioner for Human Rights had become a well-established institution which sought to respond in an appropriate and timely manner to the innumerable challenges facing it. In order to succeed, it needed the support of the Member States, the entire United Nations system, other international organizations and non-governmental organizations. The task of promoting and protecting human rights required a renewed commitment to the universal values, principles and norms aimed at improving the lives of individuals and ensuring respect for their inherent dignity.

11. In accordance with General Assembly decision 50/465, he wished to provide information on the situation of human rights in Estonia and Latvia. The information was based on the reports of the Human Rights Committee and on materials provided by the Governments of Estonia, Latvia and the Russian Federation, as well as by the Organization for Security and Cooperation in Europe (OSCE), the Council of the Baltic Sea States and some non-governmental organizations.

12. The Human Rights Committee, after having considered the initial report of Estonia (CCPR/C/79/Add.59) in October 1995, had expressed satisfaction at the fundamental and positive changes in Estonia, which provided a better political, constitutional and legal framework for the implementation of the rights enshrined in the International Covenant on Civil and Political Rights. In the

Committee's view, Estonia's accession to the Covenant and other human rights instruments shortly after the restoration of its independence, as well as its recognition of the Committee's competence to deal with individual communications, had confirmed its genuine commitment to guaranteeing the basic human rights to all individuals under its jurisdiction. The Human Rights Committee had welcomed Estonia's new draft criminal code, which did not include the death penalty, and the adoption by referendum of a new Constitution, under which ratified human rights treaties were given precedence over domestic legal provisions that were inconsistent with those treaties.

13. The main areas of the Human Rights Committee's concern had included the lack of legislative guarantees for the effective precedence of human rights treaties over laws that were inconsistent with them and for compensation paid to the victims of human rights violations, as well as conditions in prison facilities and the excessive use of force by law enforcement officials. Concern had also been expressed about a significantly large segment of the population, particularly members of the Russian-speaking minority, who were unable to obtain Estonian citizenship and thus enjoy a number of rights under the Covenant. The Committee had, among other things, recommended that the Government of Estonia should take the necessary measures to make its laws consistent with the Covenant, while systematically reviewing those legal provisions which might have a discriminatory effect on non-citizens.

14. In the view of the Russian Government and some non-governmental organizations, Estonia's domestic legislation on, inter alia, local elections, citizenship, language and occupation affected the human rights of the Russian-speaking population in Estonia. In particular, as a result of the passage of the Citizenship Act of 1995, some 200,000 persons of non-Estonian origin had become de facto stateless persons in Estonia. The naturalization process was considered complicated and slow. A temporary travel document, which by virtue of the Aliens Act of 1993 was given to persons without citizenship who applied for a residence permit in Estonia, did not grant diplomatic protection abroad. It had been further stressed that changing the status of permanent residents to that of temporary residents had had a negative impact on the rights of the persons affected. Another concern related to the policy of reducing the use of the Russian language in offices and the media, even in areas densely populated by Russian-speaking residents. It had also been reported that the Estonian authorities did not recognize the Estonian Apostolic Orthodox Church's right to all of its property.

15. The Government of Estonia, in its information, had underscored its commitment to abide by international human rights obligations. The Government had rejected the claim that the situation of the Russian-speaking population was deteriorating. Of 330,000 applications for residence permits which had been reviewed, a favourable decision had been granted to the overall majority of applicants. Fewer than 100 persons had been denied residence, and in about 3,000 cases the review process had been extended because of incomplete documents. Estonia viewed the issuance of temporary travel documents as a form of assistance to citizens of the Russian Federation to whom Russia had not provided travel documents. The Government had also underlined the fact that non-citizens with a residence permit who had lived for five years in the locality had the right to vote in local elections. It had been pointed out that non-citizens had the right to remain in Estonia under the Law on Aliens and to

apply for citizenship under the Law on Citizenship. Minorities living in Estonia had the right to preserve their language and culture under the Law on Cultural Autonomy. The Government had also pointed out that Estonia's ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms assured its residents the remedies offered by that instrument.

16. After having considered the initial report of Latvia (CCPR/C/79/Add.53) in July 1995, the Human Rights Committee had expressed its satisfaction at the fundamental and positive changes which had taken place since Latvia had re-established itself as a sovereign State in 1990. Latvia's accession to various international human rights instruments, including the International Covenant on Civil and Political Rights, soon after the restoration of its independence, as well as its recognition of the Committee's competence to deal with individual communications, had been viewed as confirming its genuine commitment to guaranteeing the basic human rights to all individuals. Particular satisfaction had been expressed at the adoption in January 1995 of the National Programme for the Protection and Promotion of Human Rights in Latvia and at the establishment of a Human Rights Council in July 1995.

17. The Human Rights Committee had, however, expressed concern at, inter alia, the absence of constitutional control over the consistency of domestic laws with the provisions of the Covenant and other international human rights instruments, the non-preferential status given to the Covenant in the domestic legal order, problems in the administration of justice, excessive use of force by law enforcement officials, and sub-standard prison conditions. Concern had also been expressed at the stringent criteria for citizenship and the deliberate policy of considering each case on an individual basis and pursuant to a timetable calculated to delay the naturalization process for many years. The Committee had recommended that citizenship and naturalization legislation should facilitate the full integration of all permanent residents of Latvia.

18. In the view of the Russian Government and some non-governmental organizations, under the Latvian Law on Citizenship, about 500,000 inhabitants of non-Latvian ethnic origin would remain stateless until at least the year 2000. That would also have a negative effect on their rights and freedoms. The naturalization process was considered slow and complicated. Under the Local Government Elections Act, non-citizens were not allowed to vote or stand for election. Citizens of non-Latvian origin could stand for election only if they passed the Latvian language examination at the highest level. The economic and social rights of permanent residents of non-Latvian origin were considered impaired with regard to, inter alia, the duration of their residence permits and participation in privatization.

19. In its information, the Government had reiterated the commitment of Latvia to the promotion and protection of human rights. New institutions had been established and new laws adopted to that end, including a Presidential Consultative Council on Nationalities and a Law on the Constitutional Court. The High Commissioner and the Centre for Human Rights had been involved in implementing Latvia's national programme on human rights, including the preparation of the legislation on the National Human Rights Centre, the newly established focal point for implementing the programme. The Government had also pointed out that Latvia had ratified the European Convention for the Protection

of Human Rights and Fundamental Freedoms and had accepted the remedy procedures under that instrument, which were available to all residents of the country.

20. The Government had stressed that the Council of Europe and OSCE considered that the 1994 Law on Citizenship, which had been liberalized in 1995, established a naturalization procedure that was in accordance with the international norms and standards for citizenship legislation. The Government was following that procedure carefully in order to guard against violations of the law and arbitrary bureaucratic acts. In 1996, 171,000 persons born in Latvia had been declared eligible for naturalization. That process would continue to the year 2002, when the largest group, 214,000 persons, would be able to apply for citizenship.

21. The Law on the Status of Former USSR Citizens Who Are Not Citizens of Latvia or Any Other State had been adopted in 1995. Under that Law, chapter 3 of the Constitutional Law on the Rights and Obligations of Citizens and Persons was applicable to the category of persons in question, who also enjoyed freedom of movement, the right to be united with their families and the right to preserve their native language and culture.

22. Mr. BAUMANIS (Latvia) expressed support for the work of the High Commissioner and the Centre for Human Rights, which would, no doubt, be enhanced by the recent restructuring. The financial resources available to the High Commissioner were not commensurate with the tasks entrusted to him and adequate funding should be allocated from the regular budget of the United Nations.

23. With regard to the report on the situation of human rights in Latvia, the High Commissioner had carried out his work with objectivity. His Government had been grateful for the assistance it had received with the establishment of the Latvian Human Rights Office, an independent body for the promotion and protection of human rights which had been operating since the end of 1995. The High Commissioner's recommendations with regard to the Office had been implemented fully.

24. Mrs. KABA CAMARA (Côte d'Ivoire) said that, as she understood it, the work of the restructured Centre for Human Rights would be carried out by three separate branches under the supervision of the Assistant Secretary-General for Human Rights, with the High Commissioner exercising overall authority. In her view, such a role would exceed his mandate. When the post of High Commissioner had been established, it had been stated clearly that the Commissioner's functions should be separate from those of the Centre for Human Rights.

25. One of the key tasks entrusted to the High Commissioner was the promotion of the right to development. She wondered, however, whether the new Research and Right to Development branch would be able to accord due importance to its work in that area, given that it had been assigned a host of other tasks.

26. The High Commissioner had referred to the establishment of a human rights field presence. In her view, the creation of field offices might be seen by recipient countries as an additional condition imposed upon States that requested technical assistance. If States were under constant supervision, Governments might be made to feel uneasy. She wondered whether it might not be

preferable to dispatch temporarily from Geneva teams which had a precise and limited mandate.

27. With regard to the situation in the Great Lakes region of Africa, she would like to know what action the High Commissioner envisaged to prevent massive human rights violations.

28. Mr. BIGGAR (Ireland), speaking on behalf of the European Union, said that the European Union fully supported the various activities outlined by the High Commissioner. It agreed that country visits should not been seen as replacing existing human rights mechanisms, but should serve to facilitate and promote cooperation between the Governments concerned and the United Nations human rights programme and its machinery, including special rapporteurs. It also agreed that there should be a greater emphasis on follow-up to those visits, including a review of the measures taken as a result of them.

29. The High Commissioner's efforts to integrate human rights into the activities of other parts of the United Nations system, including the specialized agencies, were in full conformity with the commitments undertaken at the World Conference on Human Rights. The European Union supported the proposal to establish system-wide concentrated action for the promotion of human rights, and agreed that it should be pursued in the framework of the Administrative Committee on Coordination. It was important for the High Commissioner to participate fully in the inter-agency mechanisms established to ensure follow-up to the major conferences of recent years.

30. The European Union attached considerable importance to the preventive and responsive actions undertaken by the High Commissioner, notably the establishment of field offices, and agreed that the implementation of human rights was greatly facilitated by those on-the-spot activities. It was significant that more human rights staff were now deployed in the field than at Geneva.

31. The European Union felt strongly that human rights field operations must be strengthened and must receive the necessary financial, administrative and logistical support. They needed to be placed on a firm financial footing, preferably under the regular budget. The European Union and its Member States made significant financial contributions to those activities; at the same time, they felt that there was a need to expand the donor base considerably.

32. The European Union reiterated its support for the restructuring of the Centre for Human Rights and felt that 17 temporary posts in the Centre should now be converted to established posts.

33. On the question of human rights in Estonia and Latvia, the European Union felt that the requirements of General Assembly resolution 48/155 had been fulfilled and that further consideration of the question was unnecessary.

34. Mr. DEMBINSKI (Poland) inquired what progress had been made with regard to the strengthening of system-wide cooperation in the human rights field and what problems, if any, had been encountered.

35. Mr. ABDELLAH (Tunisia) said that his delegation had been satisfied to note that economic, social and cultural rights and, in particular, the right to development had been accorded special prominence by the High Commissioner. The effective promotion of political and civil rights was dependent upon securing decent living conditions for all people. The High Commissioner's work in the field of human rights education was to be commended. He was pleased to report, in that connection, that his Government had recently created a commission on human rights education. Already, it had compiled a report on ways of promoting a culture of human rights through education. With regard to activities in the field, his delegation was convinced that a human rights field presence could contribute to the peace process in countries afflicted by ethnic tension. Accordingly, he applauded the High Commissioner's work in the Great Lakes region of Africa.

36. Mrs. CASTRO de BARISH (Costa Rica) said that her delegation regarded the United Nations activities in the context of the Decade for Human Rights Education as a vital component of its work in the human rights field. She therefore welcomed the report of the High Commissioner on the implementation of the Plan of Action for the Decade, contained in document A/51/506. Her Government, which had recently hosted an international consultation on the pedagogical foundations of human rights education, was grateful to the High Commissioner for the financial assistance it had received on that occasion. She wondered what were the High Commissioner's views on the many valuable ideas which had emerged from the consultation.

37. Mr. CHRISTOFIDES (South Africa), supported by Mr. LILLO (Chile), Ms. MORGAN (Mexico), Mr. KHAN (Pakistan), Ms. Eun Ha PARK (Republic of Korea) and Mr. MENDEZ (Venezuela), expressed support for the activities carried out by the Centre for Human Rights and the High Commissioner pursuant to General Assembly resolution 48/141 and the Vienna Declaration and Programme of Action. He welcomed the restructuring of the Centre, which would greatly enhance United Nations activities in the human rights field.

38. Mr. BORDA (Colombia), supported by Mr. WANG Min (China) and Mr. TAN (Malaysia), noted with satisfaction that the new management structure of the Centre for Human Rights would be reviewed at the end of the transition period. He wondered how the review would be carried out and whether there would be an opportunity for consultation with Member States, since their recommendations and opinions must be taken into account.

39. Mr. REYES RODRÍGUEZ (Cuba) said that, while he supported the Centre's restructuring process, he was concerned that the Committee had been presented with a fait accompli. He recalled that the Committee's working group on human rights had been mandated to oversee the implementation of paragraph 17, part II, of the Vienna Declaration and Programme of Action on the strengthening of the United Nations human rights machinery. It would therefore be appropriate to elicit the views of the working group before the final stage of the restructuring took place.

40. Mr. VELLISTE (Estonia) commended the High Commissioner's report (A/51/36), which gave a comprehensive overview of his valuable work and of the interaction between the office of the High Commissioner and the United Nations human rights

machinery. It was vital that the High Commissioner should be allocated the necessary resources to enable him to carry out the tasks entrusted to him.

41. With regard to the report on the situation of human rights in Estonia, he had been pleased to note that the High Commissioner had drawn upon information from a large number of sources. A more complete picture would have emerged, however, had the authors of the report made use of the expertise of the Organization for Security and Cooperation in Europe, which had a long tradition of impartial human rights monitoring. His Government always gave careful consideration to the recommendations of international experts and fact-finding missions on Estonia's legislation and its application. Already, many of the provisions of that legislation exceeded the standards required of democratic countries. Regrettably, the report contained a number of factual errors and he hoped that he would have an opportunity to set the record straight in the course of the Committee's deliberations.

42. Mr. AG OUMAR (Mali) said that the restructuring of the Centre for Human Rights must reflect the priorities of the United Nations and the Centre's mandate, as formulated by the Organization's policy-making bodies. The participation of those bodies in the restructuring process should be encouraged. His delegation supported the recommendation of the Committee for Programme and Coordination (CPC) for the creation of a separate branch concerned solely with the right to development, but felt that it should be without prejudice to the work of the Support Services and the Activities and Programmes branches.

43. Mr. TAN (Malaysia) said that, while he recognized the need for the Centre's restructuring, the implications of the process were not clear to his delegation. There was a need for more detailed information, particularly with regard to the functioning of the 21 "work packages" into which the Centre's staff had been divided. He was aware that a number of non-governmental organizations shared his delegation's concern. He agreed with the representative of Côte d'Ivoire that the concentration of authority in the person of the High Commissioner under the new pyramidal management structure would change the very nature of his mandate. He was also concerned that the restructuring might diminish the importance accorded to the right to development and other economic and social rights and to the rights of women and indigenous peoples. He would like to be provided with job descriptions of the staff assigned to work on the right to development.

44. Mr. AYALA-LASSO (United Nations High Commissioner for Human Rights) recalled that the High Commissioner and the Centre for Human Rights had a duty to carry out the mandates given to them by United Nations legislative bodies, which were made up of the representatives of sovereign States. Their activities therefore had to be acceptable to the Member States, and their mandates could not be changes or ignored. Field missions responded to specific mandates from the legislative bodies. It was the duty of the Centre to ensure that it was able to respond quickly and efficiently to whatever requests were made of it, for example, regarding the opening of an office in a particular country. As for technical assistance programmes, they were set up in response to specific requests from the countries concerned and were never imposed on any State. Obeying the wishes of Member States was not only good policy but also the only practicable response to the realities of the international situation. It was essential for the maintenance of good faith and confidence in the mandate and

activities of the High Commissioner that technical assistance should never be provided on the basis of conditionality.

45. The right to development was extremely important. Emphasis had formerly been placed on the protection and promotion of civil and political rights. In order to maintain an appropriate balance, it was necessary to place increased emphasis on the right to development. As he had indicated, one of the new branches of the Centre for Human Rights would have that right as its main priority. A task force was already in place and it had been agreed with organizations such as the International Monetary Fund (IMF), the World Bank and the regional economic commissions that collaborative measures would be taken to implement the right to development.

46. In order to respond appropriately to all the demands made on the Centre by Member States, increased financial resources were required but were currently unavailable due to the financial crisis within the Organization. He therefore hoped that Member States would make increased contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights, in order to assist the Centre's activities; contributions had already been received from a number of States. It was important that all States should become donors, and it was gratifying that some contributions had been received from developing countries.

47. Regarding the restructuring of the Centre for Human Rights, it had been clear that a number of changes were needed, and determined efforts had been and were being made to respond to that need and to optimize the Centre's efficiency, with emphasis on internal coordination. The Centre's three new branches were not isolated, independent entities, but parts of a single body with a single goal. Many activities could be carried out jointly, enabling each branch to produce better results. It was for that reason that a new general structure had been established. Furthermore, his Office and the Centre would be in constant touch with operational realities and would use the feedback thus generated to adapt their activities to changes in the situation on the ground. Efforts would be made to respond quickly and effectively, and to take corrective measures if it was seen that any activity of the Centre was failing to respond appropriately to the requests of Member States. He welcomed the suggestions made by members of the Committee and, as in the past, undertook to take them fully into account.

48. Human rights were one of the three cornerstones of the United Nations and yet the budget for the human rights programme currently represented only 1.7 per cent of the Organization's overall budget. The importance of human rights should be better reflected in the provision of resources. The Organization had entrusted him with a major responsibility, and he hoped that he would be able to continue his efforts to fulfil his mandate with the full confidence and support of Member States.

49. Mr. BUTLER (Australia) said that the inherent dignity and the equal and inalienable rights of individuals were the foundation of freedom and justice and lay at the heart of a stable and peaceful international order. The primary safeguard for human rights was a democratic society, based on adherence to the rule of law, an independent judiciary, a free press, freedom of speech and assembly and the right to a fair trial.

50. The United Nations human rights system must develop cooperative measures to encourage and assist Governments to improve their human rights performance. It must also condemn human rights abuses wherever they occurred and take remedial action. His Government believed that all countries should cooperate fully with the United Nations human rights machinery, as Australia did. In 1996, a team from Amnesty International had visited Australia to look into matters bearing on the human rights of the country's indigenous peoples. His Government recognized that further efforts were needed to ensure that the country's Aboriginal and Torres Strait Islander peoples enjoyed the full range of human rights to which all Australians were entitled; it would take carefully into account the reports of organizations such as Amnesty International.

51. His delegation regretted that some Governments, notably those of Cuba, Iraq and the Sudan, had failed to extend their cooperation to the human rights machinery. He urged those States to reconsider their position and cooperate with the relevant United Nations special rapporteurs. Australia was concerned that widespread human rights abuses continued unabated in Iraq and the Sudan, and urged the two States to take steps towards improving the situation in their countries. He welcomed the decision by the Iranian Government to agree to a visit by the special representative on the situation of human rights in its country.

52. His Government was deeply concerned at the lack of progress towards democratization and the continuing violation of human rights in Myanmar, particularly the continuing detention of political prisoners under very harsh conditions, the use of forced labour, the forced displacement of ethnic communities and the ongoing harassment of those engaged in legitimate political activity. Recent government actions served only to heighten tensions and further erode the rights of the people of Myanmar. The Government of Myanmar should pursue a solution to the internal problems confronting the country, in a spirit of compromise and respect for the fundamental human rights of its people.

53. In China, the promotion and protection of human rights was an important element in strengthening stability and economic growth. The country had made considerable progress in recent years in the implementation of economic and social rights, and the Government had taken steps to build a more effective legal system. However, it was important to ensure that the rights of individuals were guaranteed. Concern remained over civil and political rights in China, especially freedom of speech and assembly, the right to a fair trial and the right to religious freedom, and over the continuing detention and harassment of dissidents.

54. His Government believed that developing Cambodia's ability to promote and protect human rights was of critical importance. The task of improving human rights observance and the justice system in that country was an enormous challenge which would take many years, and Australia was committed to assisting Cambodia in that task. His Government supported the effective functioning of a multi-party democracy. Many positive developments had been achieved in strengthening the human rights infrastructure in Cambodia, particularly in the area of human rights education and the creation of a functioning justice system. However, problems remained in other areas. The universal application of the rule of law to all individuals and institutions was another area of concern.

55. There had been a number of very positive developments with regard to human rights in Indonesia. The Indonesian Government had also made considerable efforts to improve the economy and standard of living in East Timor, but Australia remained concerned about the human rights situation in that territory. His delegation encouraged Indonesia to take early steps to improve the situation in East Timor by reducing its military presence and making administrative arrangements that would give a greater role to indigenous East Timorese.

56. In Afghanistan, the recent upsurge in fighting and the accompanying human rights abuses, such as the bombing of civilian targets, made the need for a negotiated settlement all the more urgent. He urged the parties to the conflict to work seriously towards a peaceful settlement, paying particular attention to respect for international human rights and humanitarian law standards and to the situation of women and girls.

57. He welcomed the recent announcement of new human rights initiatives by the Minister for Foreign Affairs of Turkey. Legislative reforms and improved conduct on the part of the security forces would contribute to a more stable security environment. He called on the Turkish Government to move quickly to address concerns in relation to torture, extrajudicial executions and disappearances, as well as the legitimate aspirations of the Kurdish minority.

58. The conflict in Papua New Guinea continued to give rise to human rights concerns. His Government strongly condemned the recent spate of killings in Bougainville, and urged all parties to the conflict to act in accordance with international law and to work genuinely towards a negotiated resolution of the conflict. Australia stood ready to play its part in helping to bring about an early end to the conflict and a lasting peace. He welcomed the recent decision by the Government of Papua New Guinea to establish a Human Rights Commission.

59. Australia was also deeply concerned about the persistence of violence in Burundi and Rwanda and the continued violation of human rights in those countries. More recently, the humanitarian crisis in eastern Zaire had brought hundreds of thousands of refugees and displaced persons to the brink of disaster. Australia welcomed initiatives to provide relief to those caught up in the conflict and to restore peace, security and stability in the Great Lakes region.

60. Australia attached great importance to the role of national institutions in ensuring the observance of human rights and to their cooperation at the regional level. His delegation particularly welcomed the recent agreement to establish an informal Asia-Pacific Forum of National Human Rights Institutions. That initiative was a tangible and constructive step towards longer-term regional human rights arrangements and had the potential to make a significant contribution to the promotion of human rights in the region.

61. Mr. VOLSKI (Georgia), referring to the situation in the Abkhazian region of Georgia, said that his Government was grateful to the world community for its assistance in saving the lives of thousands of people and in creating and strengthening human rights institutions. As a result of those efforts, a small number of people had returned to the Gali region of Abkhazia, although most of the returnees were desperate people for whom return was the only way to

survival. The process of reviving the razed and devastated region was being constantly undermined by terror, coercion, ethnic killings and hostage-taking.

62. His Government had more than once stressed the need for the creation of mechanisms to safeguard respect for human rights in Abkhazia Georgia, particularly in the Gali region. It was well aware of the importance of the Human Rights Programme for Abkhazia, Georgia, to be carved out by the High Commissioner for Human Rights and the Organization for Security and Cooperation in Europe (OSCE), particularly the intention to open the office of the Programme in Sukhumi. However, it was compelled once again to draw attention to the treacherous intentions of the separatists to misuse any manifestation of goodwill, including that of international humanitarian organizations, and to perpetuate conditions reached as a result of the genocide of the population in the region. Those intentions were evidenced by the dissemination by the separatists of information alleging that the international community was ready to cooperate with them and that the United Nations representative supported the so-called parliamentary elections to be held in Abkhazia in November 1996. In the presidential statement of 22 October 1996 (S/PRST/1996/43), the Security Council had given a clear evaluation of that adventurist step, and in resolution 1077 (1996) the Security Council had made it clear that all activities of the Human Rights Programme in Abkhazia, Georgia, would be carried out in close cooperation with the Georgian Government.

63. The approach taken to the Abkhaz problem in documents of the United Nations, OSCE and the Commonwealth of Independent States gave his Government sufficient basis not to raise the question of the separatists' latest provocative actions but to continue the constructive policy of peaceful settlement of the conflict which was supported by those organizations. However, his Government was deeply concerned about the new wave of coercion and intimidation against returnees in the Gali region, and hoped that all necessary measures would be taken to halt that coercion and the unpredictable processes engendered by the policies of aggressive separatism. His Government was gratified that the United Nations High Commissioner for Human Rights and international humanitarian organizations viewed the problems in Georgia through the prism of political realities.

64. Mr. MONTERO (Cape Verde) said that the United Nations had always played a leading role in promoting the fundamental rights of the human person. Much remained to be done, however, both to improve existing mechanisms and establish new ones and, more generally, to disseminate a culture of human rights and establish and strengthen national institutions for the promotion and protection of those rights. The United Nations Decade for Human Rights Education was very important in that respect.

65. The Vienna Declaration and Programme of Action advocated an integrated, balanced approach to human rights in a context of improving the standard of living of all peoples and of actively involving not only all States but also individuals and organizations of civil society. In that connection, the right to development was a central priority. The barriers to the enjoyment of that right by all peoples must be removed, and resources must be made available to that end.

66. International cooperation in the area of human rights must play a predominant role at both the bilateral and the multilateral levels. Coordination mechanisms within the United Nations system must be improved with a view to achieving greater efficiency and providing increased assistance to Member States, in particular in fulfilling their obligations, especially their reporting obligations under international human rights instruments. His delegation welcomed the restructuring of the Centre for Human Rights and hoped that it would lead to an increase in the Centre's capacity to respond in a context of increased need.

67. His delegation reiterated its support for the High Commissioner for Human Rights as focal point of the United Nations human rights system, and commended his new approach to the management of human rights activities. It also supported the work under way to adopt two additional protocols to the Convention on the Rights of the Child, concerning the involvement of children in armed conflicts, and the sale of children, child prostitution and child pornography.

68. Respect for and the promotion of human rights were a fundamental principle of the Constitution of Cape Verde and therefore a guiding principle in Cape Verde's foreign policy. At the national level, his Government made constant efforts for the protection and promotion of human rights and the achievement of progress in economic, social and cultural rights. A major obstacle was poverty, which Cape Verde was combating through a global strategy. Despite scarce resources, it was allocating increased amounts to such sectors as education, health and social security. Cape Verde was a party to many international human rights instruments and was in the process of acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

69. Mr. IBN ABE TALIB MOUHAMUD (Sudan), speaking in exercise of the right of reply, said that his delegation was very surprised that the representative of Australia had not consulted the relevant United Nations documents before expressing concern about alleged non-cooperation between the Sudan and the special rapporteur of the Commission on Human Rights. Paragraph 2 of document A/51/490 made it clear that the special rapporteur had engaged in consultations with his Government. The Sudan was deeply concerned that its genuine efforts to cooperate with international organizations and their representatives were continuing to be deliberately undermined.

70. Mr. LANGMAN (Australia) said that he would convey that information to his authorities. His delegation welcomed the indication that the Sudan intended to cooperate with United Nations mechanisms on the issues concerned.

71. Mr. IBN ABE TALIB MOUHAMUD (Sudan) said that his Government not only intended to cooperate with the United Nations mechanisms, but had already done so.

AGENDA ITEM 105: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/C.3/51/L.16)

Draft resolution A/C.3/51/L.16 on a new international humanitarian order

72. The CHAIRMAN informed the Committee that draft resolution A/C.3/51/L.16 had no programme budget implications. Costa Rica, the Czech Republic, France, Togo and Tunisia had become sponsors.

73. Ms. MENELL (Secretary of the Committee) said that the following wording should be added at the end of paragraph 4: "including local and regional capacity-building to respond to humanitarian problems and the search for more effective measures to increase international cooperation in the humanitarian field". In paragraph 5, the words "in a comprehensive manner" should be added after the words "in order to report".

74. Mr. SUHEIMAT (Jordan) said that in the sixth preambular paragraph, the words "elaborate further" should be replaced by "ensure respect for and promotion of the".

75. Draft resolution A/C.3/51/L.16, as orally revised, was adopted.

76. Mr. KUEHL (United States of America) said that his delegation wholeheartedly supported the message of resolution A/C.3/51/L.16 that lack of respect for international humanitarian principles and norms had contributed to the scale of current humanitarian emergencies. His Government felt that international humanitarian principles and norms were sufficient and that it was the failure to adhere to those tenets that was the problem. The United Nations should focus on practical ways in which the international community might improve its response to humanitarian emergencies. The consideration of the problem within the context of Economic and Social Council resolution 1995/56 was an important example of how Governments, international organizations and non-governmental organizations were trying to find solutions. The international community should focus on such practical tools as recognizing the leadership role of the Emergency Relief Coordinator and the Department of Humanitarian Affairs and improving the functioning of the Inter-Agency Standing Committee.

77. His delegation felt that, in future, the question of a new international humanitarian order should be considered under the broader issue of humanitarian assistance, rather than under the item of the report of the United Nations High Commissioner for Refugees.

AGENDA ITEM 108: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/C.3/51/L.24)

Draft resolution A/C.3/51/L.24 on the International Convention on the Elimination of All Forms of Racial Discrimination

78. The CHAIRMAN said that draft resolution A/C.3/51/L.24 had no programme budget implications. She recalled that Australia, Bangladesh, Bosnia and Herzegovina, Croatia, Iceland, Guatemala, the Federated States of Micronesia, New Zealand, Norway and Poland had become sponsors.

79. Ms. TOMIC (Slovenia) said that Argentina, the Czech Republic, the Dominican Republic, El Salvador, Japan, Madagascar, Namibia, Peru, San Marino, South Africa, the former Yugoslav Republic of Macedonia, Togo and Zambia also wished to become sponsors of the draft resolution.

80. Draft resolution A/C.3/51/L.24 was adopted.

AGENDA ITEM 109: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/C.3/51/L.28)

Draft resolution A/C.3/51/L.28 on the universal realization of the right of peoples to self-determination

81. The CHAIRMAN said that draft resolution A/C.3/51/L.28 had no programme budget implications. Djibouti had become a sponsor and Togo also wished to be a sponsor.

82. Draft resolution A/C.3/51/L.28 was adopted.

The meeting rose at 5.50 p.m.